

BANKRUPTCY COURT TO IMPLEMENT MEDIATION PROGRAM

The United States Bankruptcy Court for the Western District of Oklahoma located in Oklahoma City is developing a court-sponsored mediation program to offer settlement assistance to Bankruptcy Court litigants. The availability of mediation as an early dispute resolution process is designed to help bankruptcy practitioners, debtors, and creditors by reducing delay, cost and stress associated with bankruptcy litigation.

A Mediation Advisory Committee has been appointed by the Bankruptcy Court judges to assist with establishment and implementation of the program. Judge Niles Jackson, a longtime proponent of mediation, serves as Chair of the Committee. Other members include: Christopher Stein, Chair of the Oklahoma County Bankruptcy Bar Association and trained mediator; Mark Toffoli, practitioner and trained mediator; Janice Loyd, practitioner and trustee; Charles Glidewell, Assistant United States Trustee; Grant E. Price, Bankruptcy Court Clerk; Sheila J. Sewell, Bankruptcy Court Chief Deputy; and, Ann Marshall, District Court Dispute Resolution Program Director and Advisory Committee Resource.

Bankruptcy Court Chief Judge T.M. Weaver said, "When parties appear before me, settlement assistance is frequently requested. The parties have expressed a real need for mediation." Grant Price said he has witnessed the successful use of alternative dispute resolution in U.S. District Court and has seen the benefits provided to the Court.

Mediation programs have proven to promote compromise, narrow issues, and provide parties with an early, cost-effective dispute resolution process. Mediation is flexible, informal, nonbinding, and confidential. A third person, or mediator, facilitates communication between parties who often decide to resolve their dispute. The Advisory Committee believes that mediation will be especially useful in Chapter 11 disputes. The program will also be available for most adversary or contested matters at the request of a party and in the discretion of the Court.

With bankruptcy reform and technological advances on the horizon, the time seems perfect for the Bankruptcy Court to offer a settlement program. Implementation of the Court's mediation program is planned for the fall of 2005. Questions regarding the program or questions from persons wishing to serve as mediators may be directed to Ann D. Marshall at (405) 609-5078.